

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 564462004000
INTERNATIONAL APPLICATION NO. PCT/US2004/008541	INTERNATIONAL FILING DATE March 18, 2004	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/550,155
TITLE OF INVENTION GLUCOSIDASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM		PRIORITY DATE CLAIMED March 20, 2003
APPLICANT(S) FOR DO/EO/US Kevin GRAY et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.		
2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.		
3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.		
4. <input type="checkbox"/> The US has been elected (Article 31).		
5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))		
a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> has been communicated by the International Bureau.		
c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).		
6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).		
a. <input type="checkbox"/> is attached hereto.		
b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).		
7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))		
a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).		
b. <input type="checkbox"/> have been communicated by the International Bureau.		
c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.		
d. <input type="checkbox"/> have not been made and will not be made.		
8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).		
9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (5 pages)		
10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.		
12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.		
13. <input checked="" type="checkbox"/> A preliminary amendment. (27 pages)		
14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.		
15. <input type="checkbox"/> A substitute specification.		
16. <input type="checkbox"/> A power of attorney and/or change of address letter.		
17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. (1 disc)		
18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).		
19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/550,155		INTERNATIONAL APPLICATION NO. PCT/US2004/008541		ATTORNEY'S DOCKET NUMBER 564462004000	
20. <input checked="" type="checkbox"/> Other items or information: Copy of Notification to File Missing Requirements (3 pages) Petition for Extension of Time (1 page) Response to Notification to File Missing Requirements (3 pages) Statement to Support Filing and Submission (2 pages) Return Receipt Postcard					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) \$300				\$ 0.00	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200				\$ 0.00	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500				\$ 0.00	
TOTAL OF 21, 22 and 23 =				\$ 0.00	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
204 - 100 =	104 /50 =	3	x \$250.00	\$ 750.00	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	81 - 20 =	61	x 50.00	3,050.00	
Independent claims	1 - 3 =	0	x 0.00	0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 360.00	360.00	
Extension of Time - Four months (37 CFR 1.17(a)(4))				1,590.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 5,730.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				-2,865.00	
SUBTOTAL =				\$ 2,865.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 2,865.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
				\$	
TOTAL FEES ENCLOSED =				\$ 2,865.00	
10/11/2006 FREY1 00000123 031752 10550155					
01 FC:2681	375.00 DA			Amount to be refunded:	\$
02 FC:2615	1525.00 DA				
03 FC:2616	180.00 DA				
04 FC:2617	65.00 DA			Amount to be charged	\$

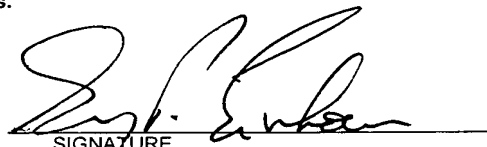
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 03-1952 in the amount of \$ 2,865.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

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Morrison & Foerster LLP
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San Diego, CA 92130
direct dial 858 720 5133
general office 858 720 5100
fax direct 858 523 5933
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email geinhorn@mofo.com


SIGNATURE

Gregory P. Einhorn
NAME

38,440
REGISTRATION NUMBER

CUSTOMER NUMBER: 45975

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
10/550,155

INTERNATIONAL APPLICATION NO.
PCT/US2004/008541

ATTORNEY'S DOCKET NUMBER
564462004000

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 743 883 660 US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 4, 2006

Signature: 

(Michelle Tow)

COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/550,155	Kevin Gray	564462004000

45975
DIVERSA C/O MOFO S.D.
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

MR DOCKETED: MISS. REQ.

DUE DATE: 6/5/2006

FINAL DUE DATE: 11/5/2006

MR DOCKETED: SEQ. DATA. DUE

DUE DATE: 6/5/2005

FINAL DUE DATE: 11/5/2006

INTERNATIONAL APPLICATION NO.

PCT/US04/08541

I.A. FILING DATE

03/18/2004

PRIORITY DATE

03/20/2003

CONFIRMATION NO. 1058

371 FORMALITIES LETTER



OC000000018455679

Date Mailed: 04/05/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/20/2005
- Copy of the International Search Report filed on 09/20/2005
- Copy of IPE Report filed on 09/20/2005
- Information Disclosure Statements filed on 02/06/2006
- Biochemical Sequence Listing filed on 09/20/2005
- U.S. Basic National Fees filed on 09/20/2005
- Priority Documents filed on 09/20/2005
- Specification filed on 09/20/2005
- Claims filed on 09/20/2005
- Abstracts filed on 09/20/2005
- Drawings filed on 09/20/2005
- Paper nucleotide sequence listings filed on 09/20/2005

RECEIVED

APR 18 2006

MORRISON & FOERSTER LLP
SAN DIEGO

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$7405 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

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- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$7845** for a Small Entity:

- **\$65 Surcharge.**
 - This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The specification and drawings contain more than 100 pages. Applicant owes **\$375** for **104** pages in excess of 100 pages for a small entity in compliance with 37 CFR 1.27.
- Total additional claim fee(s) for this application is **\$ 7405**
 - **\$400** for 4 independent claims over 3.
 - **\$6825** for 273 total claims over 20.
 - **\$180** for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/550,155	PCT/US04/08541	564462004000

FORM PCT/DO/EO/905 (371 Formalities Notice)

PATENT
Docket No. 564462004000

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 743 883 660 US

Date of Deposit: October 4, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Michelle Tow

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Kevin GRAY et al.

Application No.: 10/550,155

Confirmation No.: 1058

International Filing Date: March 18, 2004

Art Unit: 1652

For: GLUCOSIDASES, NUCLEIC ACIDS
ENCODING THEM AND METHODS FOR
MAKING AND USING THEM

Examiner: Not Yet Assigned

**RESPONSE TO NOTIFICATION TO FILE MISSING REQUIREMENTS UNDER 35
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US)**

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Notification to File Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US), mailed April 5, 2006, for which a response was due on June 5, 2006. Filed herewith is a petition for extension of time for four months, thereby extending the response date to October 5, 2006. Accordingly, this response is timely filed.

Please enter the following Sequence Listing and remarks.

In the Sequence Listing:

Please insert the computer readable form copy (labeled "CRF") of the Sequence Listing submitted herewith into the above-mentioned application. A paper copy of the Sequence Listing (pages 1-25) was previously filed.

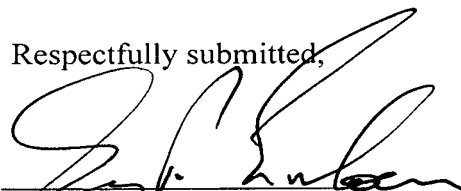
REMARKS

The undersigned hereby states that the computer readable form copy (labeled "CRF") of the Sequence Listing submitted herewith and the previously filed paper copy of the Sequence Listing (pages 1-25), submitted in accordance with 37 C.F.R. § 1.825(a) and (b), respectively, are the same and contain no new matter. Accordingly, entry of the Sequence Listing into the above-captioned case is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 564462004000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Date: October 4, 2006

By:

Respectfully submitted,


Gregory P. Einhorn
Registration No. 38,440

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